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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Chris Kohler,)	CV-11-4451-RSWL (SPx)
)	
Plaintiff,)	
)	
v.)	ORDER Re: Defendant's
)	Motion for Order
)	Consolidating Actions
)	for Trial Purposes or,
Bed Bath & Beyond of)	in the Alternative, for
California, LLC, et al.)	Order Continuing Trial
)	Date [45]
)	
Defendant.)	
)	

On June 20, 2012, Defendant Bed Bath & Beyond of California, LLC's ("Defendant") Motion for Order Consolidating Actions for Trial Purposes or, in the Alternative, for Order Continuing Trial Date [45] came on for regular calendar before the Court. Having reviewed all arguments and papers pertaining to this Motion, the Court **NOW FINDS AND RULES AS FOLLOWS:**

Defendant Bed Bath & Beyond of California, LLC's Motion is **DENIED**. Plaintiff Chris Kohler ("Plaintiff") currently has two Actions pending in the Central District of California against Defendant: this Action

1 (the "Earlier Filed Action," filed May 24, 2011, and
2 assigned to Judge Ronald S.W. Lew) and a suit captioned
3 Kohler v. Bed Bath & Beyond, LLC, et. al, Case No.
4 2:11-cv-04554-DMG-MAN (the "Later Filed Action," filed
5 May 26, 2011, and assigned to Judge Dolly M. Gee).
6 Defendant has not met its burden of showing that
7 consolidation of the two Actions is appropriate under
8 Federal Rule of Civil Procedure 42(a). The two Actions
9 have been assigned to two different judges and pertain
10 to distinct retail stores in different geographical
11 locations (i.e., Lake Elsinore, California and
12 Riverside, California). In addition, the conditions
13 allegedly present at Defendant's store locations
14 constitute distinct issues in their own right, and
15 warrant separate evidence. Consequently, the potential
16 for delay, confusion, and prejudice caused by
17 consolidation outweighs Defendant's need to consolidate
18 the two Actions.

19 With regard to Defendant's alternative Motion for
20 Order Continuing Trial Date, the Court **DENIES**
21 Defendant's Motion. Defendant's request for
22 continuance is premature considering that trial set for
23 both Actions is not until October 16, 2012.

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